

Greensboro Daily News

Published Daily except Sundays... DAILY NEWS COMPANY... GREENSBORO, N. C.

Democratic Political Literature

The Wilmington Star publishes in full in its last Sunday edition an opinion of the Supreme court in the case H. S. Godwin vs. H. L. Parker, guardian, with preliminary comments by "Voter," its correspondent, and under the headline "Godwin's Record Attacked."

It is known to our readers that Mr. Godwin is the Democratic congressman from the Sixth district, having served two years and is now seeking the re-nomination of his party. Ordinarily no newspaper gives so much space to a judicial opinion as it is therefore, probable, as the star does not insert articles of this kind except as paid matter, that "Voter" is opposed to Godwin and pays the bill.

SUNDAY, JUNE 26, 1910

THE MANLY MAN.

The world has room for the manly man, with the spirit of manly cheer. The world delights in the man who smiles when his eyes keep back the tears.

But, if his opinion is a reflection upon Mr. Godwin, it is not likewise a reflection upon the real judge, the Hon. W. R. Allen, a candidate for the nomination as Supreme court justice before the forthcoming Democratic judicial convention? He is a man of ability. No one questions that. How could he give properly a judgment, over the objection of the defendant upon the verdict, which the Supreme court so severely overrules, which would permit the property of a lunatic to be sold to repay Mr. Godwin for alleged betterments on the land, when the jury found Mr. Godwin contracted with a man non compos mentis, and the Supreme court says Godwin had been fully paid? Was he trying to let Mr. Godwin down easy? Was he pandering to Godwin's influence in view of his own desire for Democratic support? These are questions suggested by the reading of the opinion, for we are advised, the ground upon which one may recover betterments is improvement to lands, adjudged not to be his, is that he acted in good faith when making them and the jury finds Mr. Godwin did not act in good faith.

In the introduction to the article referred to, it is said: Inasmuch as so many extravagant articles are being published about Mr. Godwin, it is not out of place to go to his own county for records and facts.

Next step: Hookworm convention. Open season for wholesale denials. Hit the shadons everywhere you can from another fellow's care.

The rise in the price of Turkish cigarettes is not worrying us a bit. Wonder how the next legislature will stand on an anti-potoin bill.

The grows up man's idea of a case Fourth of July looks insane to the small boy.

If the fight ends in Wake today it will be because there is no more ammunition in reach.

It is yet up to New Mexico and Arizona to win their spurs before they can wear them.

About half—at least half of the late candidates may now go off and secure a much needed rest.

Georgia is to have fun, too. Hoke Smith has announced himself a candidate for governor again.

One of the meanest grouches we have heard from is the man who declares that all men marry actresses.

Some of them can now console themselves with the thought that they were only near candidates anyhow.

A man who was shot the other day walked a mile, which is better than some men can do when only half shot.

And now we are going to do our best to keep on believing what the Wake Democrats said about each other.

Eternal vigilance is the price of success in party politics, and the Republicans in North Carolina must be on the alert.

A fresh editor of a mean Atlanta paper asks: "When is a girl spank?" It is a fine one of his dog-gone business.

Wagoning exhibitions should either be removed or published by strict and honorable laws, and not left to the several uncertainties of individual owners.

It is said that politics has mighty little to do with the offices of Supreme court justice and composition committee. What was just with the general public in going on and after that convention in Charlotte.

THE POWER OF IDEALS.

A few months ago the newspapers of the country were full of warlike accounts that might have been taken from the histories of five hundred years ago—again the Spaniards were fighting their old enemies the Moors. It is true that in the lapse of time the theatre of action had been shifted from the south of Europe to the north of Africa, but the antagonists were the same as in the days when the crescent threatened the supremacy of the cross and the Mohammedan Moors with a foothold already gained in Spain were standing on the threshold of all Europe.

But to return to our story. It is not generally known, but it is a fact that a number of the younger nobles of Spain, sons of the oldest and proudest of the old proud houses of Aragon and Castile, than whom none are older or prouder in all Europe, were enlisting as volunteers, not as commanders, not even as officers, but as private soldiers fighting on foot side by side with the humblest peasant. Why did they do this? They did it for a reason that may seem quaint in this materialistic twentieth century of ours, but which was to them very real and very binding.

It seems that in the old days when Spain was fighting the Moors in Spain certain of the best and bravest of the Spanish chivalry took a vow that they and their descendants forever would volunteer to fight as ordinary soldiers for Spain whenever threatened by the Mohammedan enemy. It further seems that their descendants of our day stood manfully by that vow made in their names by these ancestors of many centuries ago, and that this was the reason why the rollcall of a Spanish company not many months ago might have sounded like a roster of medieval chivalry.

We are still too close to our own trouble with Spain, we remember too well the Spanish misgovernment of Cuba and Porto Rico and the Philippines to do justice to the finer traits of Spanish character, but we can for all that draw a useful lesson from this happening which we have just recorded. It shows the power of an ideal and paints a type of aristocracy that is as powerful for good as a spurious and counterfeit type is powerful for evil.

In this republic of ours we have abolished and prohibited all hereditary titles and honors and we, at least theoretically, hold to the doctrine that one man is as good as another man. But as a matter of fact, no nation has ever existed without certain social castes and we are drifting in the same direction.

Such a social caste is a menace, as it is a drawback to any nation, and if this is the only conception of nobility then by all means let us say that we have no order of nobility. But what is to be said of these young Spaniards and men like them who look at the other side of the picture? Men who hold to the belief that long lines of illustrious ancestors have set them apart, but that this setting apart means that because they have what other men have not it also means that upon them are placed duties and obligations in a corresponding degree?

We frankly say that with this idea of nobility we have no quarrel. If a man chooses to think that because his ancestors for generations have acted large and important parts in the history of his state or nation; that because they have received many honors, distinctions from the hands of the people—that for these reasons fate has placed upon him all the greater obligations to serve the people who have honored his line; that he of all men must live such a life as will be an example to others, that he of all men must ever stand ready to come to the help of the poor and oppressed; that he of all men must be brave and clean and truthful—if this is the view a man wishes to take of the matter, then by all means let him think so and act upon this belief, and not only he, but all those who come within the sphere of his influence, will be benefited by it.

actual fraud in fact, is neither necessary nor contradictory. It cannot be doubted that anyone dealing with an insane person, knowing his insanity, deals with him at his own peril. The ground upon which courts of equity in letters to set aside the contracts and other acts, however solemn, of persons who are idiots, lunatics and otherwise non compos mentis is fraud. Such persons being incapable, in point of capacity, to enter into any valid contract or to do any valid act, every person dealing with them, knowing their incapacity, is deemed to perpetrate a meditated fraud upon them and their rights.

The following facts are stated by the court: Civil action tried before W. R. Allen, J., and a jury at November term, 1908, of the Superior court of Harnett county. The plaintiff brought this action to compel specific performance of the following contract: "North Carolina—Harnett County. 'I, Bud Tart, of said county and State have this day given to H. L. Godwin the privilege of erecting a store building on my lot in Dunn, N. C., the same being lot No. 11 in the subdivision of the original lot No. 3 in block R in the blue print plan of town of Dunn, N. C. The said H. L. Godwin has the privilege of remaining in possession of said lot for three years from the date of this contract, and he is required to keep the taxes paid on said lot. And it is agreed and understood, and I do hereby bind myself, my heirs, executors and administrators to make a good and lawful deed to H. L. Godwin his heirs or assigns, upon the receipt of \$300, which must be paid indelibly immediately upon the expiration of this contract or at any time before it expires."

1. Did the plaintiff and the defendant Bud Tart, execute the contract set out in the complaint? Answer: Yes. 2. Did Bud Tart, at the time of executing the said contract, have sufficient mental capacity to make same? Answer: No. 3. If not, did the plaintiff have notice of said mental incapacity? Answer: Yes. 4. What was the value of said lot on the 17th day of June, 1902? Answer: \$200. 5. What was the value of the improvements put on said land by H. L. Godwin? Answer: \$1500. 6. What was the annual rental value of the lands before the improvements were put upon it by the plaintiff? Answer: Nothing. 7. What was the annual rental value after the improvements were put upon it by the plaintiff? Answer: \$100. Upon the verdict, His Honor rendered the following judgment: "This cause came on for trial at the November term, 1909, of the Superior court of Harnett county, before W. R. Allen, judge and a jury, and the jury having returned their verdict, as appears in the record, it is, upon said verdict and the admission in the pleadings, considered and adjudged that the defendant, Bud Tart, is the owner in fee of the lot described in the complaint, and that he is entitled to recover possession thereof of the plaintiff, H. L. Godwin, upon the payment to him of the sum of \$1000, the value of the improvements placed on said land by the plaintiff."

And it further appearing to the court that the defendant's bill refused to perform the contract referred to in the complaint, and that the defendant, H. L. Godwin, and the same is a lien on said lot, and upon failure to pay the same within 90 days, it is ordered that the said lot be sold for the satisfaction thereof by N. A. Townsend and E. F. Young, now appointed commissioners for that purpose, who shall report their proceedings to this court.

It is further ordered that each party pay his costs. Let the pleadings be amended as advised. The plaintiff returned, over the objection of the defendant, that he had been in possession of the lot since June, 1902, that he knew Bud Tart had been in the system, that he returned to the system at Raleigh, that the building put by him on the lot cost him \$475, not including taxes, and that its rental value was \$100 per year; that he had received the costs, that he had rendered the amount he was to pay to defendant Parker, as guardian of Bud Tart, and demanded a deed from him; that Parker declined to make the deed. Another witness for plaintiff testified that Bud Tart at times looked dangerous. The summons shewed service of Dr. James McNease, superintendent of the state hospital at Raleigh, N. C., where Bud Tart was confined, the certificate dated June 17, 1905. There was evidence that the improved lot was worth in June, 1902, from \$300 to \$400 and that it had since then increased in value. The defendant tendered the following judgment: "This cause coming on to be heard and being heard before His Honor, W. R. Allen, and a jury and the issues as stated as follows: there follows the is same as set out above. And it is ordered and adjudged that the defendant, Bud Tart, and his guardian, T. A. Parker, return to the plaintiff, H. L. Godwin, the possession of the said land described in the complaint, and it is further ordered and decreed that the paper writing or contract referred to and set out in the complaint be annulled and void, and it is further adjudged that the plaintiff pay the costs of this action, to be taxed by the court of this action."

To the judgment of the court defendant Bud Tart and H. E. Norris for defendant. Then follows the opinion of the court: "Mentioning 3. In our opinion, the judgment of his honor is not supported by the admissions of this court. The jury found that Bud Tart was insane at the time he attempted to contract with the plaintiff, and his insanity was known to the plaintiff. Upon a verdict establishing the same facts this court, in *Creekmore vs. Baxter*, 121 N. C. 31, said: "The first two issues found facts which constitute fraud in law. No other kind of fraud was charged in the pleadings, and the third issue, referring to

ing which we have just recorded. It shows the power of an ideal and paints a type of aristocracy that is as powerful for good as a spurious and counterfeit type is powerful for evil. In this republic of ours we have abolished and prohibited all hereditary titles and honors and we, at least theoretically, hold to the doctrine that one man is as good as another man. But as a matter of fact, no nation has ever existed without certain social castes and we are drifting in the same direction. Take any of our leading cities and we will find that the people who claim the right to be considered the social mentors of their respective communities have acquired whatever right they may possess in this direction to the possession of acquired or inherited fortunes. The dollar mark is to a large degree, and we might add to a shameful degree, considered the equivalent of an American patent of nobility. But these self-constituted American nobles as a rule think that their differentiation from their fellows confers upon them certain privileges, but that it does not in any sense place upon them additional obligations, obligations not placed by nature or by fate or by God upon the general run of men.

Such a social caste is a menace, as it is a drawback to any nation, and if this is the only conception of nobility then by all means let us say that we have no order of nobility. But what is to be said of these young Spaniards and men like them who look at the other side of the picture? Men who hold to the belief that long lines of illustrious ancestors have set them apart, but that this setting apart means that because they have what other men have not it also means that upon them are placed duties and obligations in a corresponding degree? We frankly say that with this idea of nobility we have no quarrel. If a man chooses to think that because his ancestors for generations have acted large and important parts in the history of his state or nation; that because they have received many honors, distinctions from the hands of the people—that for these reasons fate has placed upon him all the greater obligations to serve the people who have honored his line; that he of all men must live such a life as will be an example to others, that he of all men must ever stand ready to come to the help of the poor and oppressed; that he of all men must be brave and clean and truthful—if this is the view a man wishes to take of the matter, then by all means let him think so and act upon this belief, and not only he, but all those who come within the sphere of his influence, will be benefited by it.

Such an aristocracy, imbued with such ideas and such ideals, would prove a powerful factor for all that looks to the general uplift, would stimulate the slothful and hold back the rash, would strengthen the weak and embolden the strong, would curb the arrogant and protect the defenseless, would in short be a general blessing, and would at the same time endeavor itself to all and leave no bitterness in its wake. Like knighthood in the days of chivalry, its doors would ever be open to those who proved themselves worthy of its doctrines and willing to assume its burdens.

It has been said that those who hold the pursestrings of the world dictate the policies of all the governments of the world; but whoever made this assertion neglected to consider that after all there is a force in the world greater than money, greater than all other things. This force is sentiment coupled with ideals. For this men have died with a smile on their lips, for this men have lived and struggled and suffered worse than death. And since this is true it follows that the general implanting of sentiment and ideals of the right sort is the most important work now before those who would make the world both happier and better.

The Montgomerian says: "It is well to bear in mind that the Republican party is putting forth extra efforts this year to secure the state. It will take a united Democracy to overcome these efforts." And it will take a serious and elastic platform to unite the Democrats this year. A contemporary says: "Vote for the best candidate, and put your neighbor to vote for him, too." If everybody accepts and acts on that advice there will be a lot of men working for the Republican ticket.

The Troy Montgomerian says: "We hear rumors of a new weekly paper to be published in Star. Is it to be a Republican organ?" We really don't know; but suppose it should, would it be a crime? The political thermometer, which has been hovering around fever heat, will go below zero tonight for many of the candidates in North Carolina; and many of the others will freeze to death in November.

As the nation is about to secure a rest from Congress, Georgia is leading up for a hot weather siege with a session of the legislature. Collector Loeb has seized a million dollars worth of Panama hats. He should furnish some bargains by putting them on the market.

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